

REMARKS

Claims 1-16, 40-42, and 65 are pending in this application and subject to requirements for restriction and election of species, as set forth in the Office Action mailed May 13, 2010. Claims 17-39, 43-64, and 66-86 have been canceled. Claims 40-42 and 65 have been withdrawn from consideration as being directed to a non-elected invention, in response to this Office Action, as set forth in detail below.

Claim 16 has been amended to depend from claim 1. Amended claim 16 recites a combination of compounds comprising both a compound of claim 1 and a second substituted pyrazoline compound of the recited formula X.

The claim amendments add no new matter.

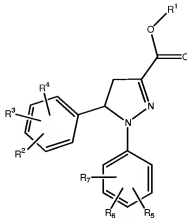
Restriction Requirement under 35 U.S.C. §121 and Election of Species

i) Election

The Office Action has required restriction between groups I–V as set forth on page 3 therein. This restriction requirement acknowledges that the subject matter of Groups I-V constitute separately patentable inventions, according to M.P.E.P. § 806.

In response, **Applicants elect the invention of Group I** (claims 1-15, drawn to compounds).

Claim 1 of Group I recites a compound represented by the formula:

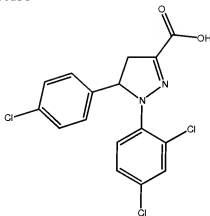


or a stereoisomer or racemate thereof, an N-oxide thereof, a salt thereof, or a solvate thereof, wherein R¹–R⁷ are as defined in claim 1.

Applicants hereby elect the following species for examination:

5-(4-chlorophenyl)-1-(2,4-dichlorophenyl)-4,5-dihydro-1H-pyrazol-3-carboxylic acid

This compound has the structure



The elected species is thus a compound of claim 1, wherein R¹ is hydrogen as claimed, R² represents chlorine (a halogen atom, as claimed) in the 4-position of the phenyl ring, R³ and R⁴ represent hydrogen as claimed, R⁵ and R⁶ represent chlorine (a halogen atom, as claimed) in the 2- and 4-positions of the phenyl ring, and R⁷ represents hydrogen.

The preparation of the elected species and its NMR characterization data are described in the specification at pages 46 and 47 (see Example 0). This compound is additionally described at pages 53-55 and Figure 1 with respect to its effect reducing triglycerides in the blood plasma of mice.

All claims 1-15 of Group I read on this elected species. Moreover, amended claim 16, also directed to compounds, now depends from claim 1 and should therefore be examined with the elected group.

ii) Rejoinder of Method Claims 40, 41, and 65 (M.P.E.P. § 821.04)

Applicants have elected claims directed to compounds. Non-elected claim 40 is directed to methods for making these compounds. Non-elected claim 41 is directed to medicaments comprising these compounds, and non-elected claim 65 is directed to methods of using these compounds for the regulation of triglyceride levels in blood plasma.

These non-elected claims, by virtue of their dependency on the elected claims, are of the same scope and therefore comply with the requirements for rejoinder. Upon a finding that the elected claims are allowable, the process claims must be rejoined. See M.P.E.P. § 821.04.

Applicants therefore respectfully request, upon a finding that the elected compound claims are allowable, (1) withdrawal of requirement for restriction between Groups I and III-V and (2) rejoinder of withdrawn claims 40, 41, and 65.

CONCLUSION

Now that Applicants have complied with the restriction and election of species requirements, Applicants are entitled to full examination on the merits of the elected claims of Group I. See MPEP § 803.02, directed to Markush claim practice.

Prompt and favorable examination of claims 1-12, 17-23, and 30-41 on their merits is therefore earnestly solicited.

Respectfully submitted,
BANNER & WITCOFF, LTD.

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By: /Benjamin C. Spehlmann/
Benjamin C. Spehlmann
Registration No. 45,649

Customer No. 22907